

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	TI-36001
Arthur Monroe Turner	Art Unit: 2853
Serial No: 10/680,928	Examiner: Sarah Al Hashimi
Filed: 10/08/2003	Confirmation No.: 7588
For: ADDER	

PETITION UNDER 37 C.F.R. 1.182

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Director to invoke his supervisory authority and rejoin Claims 45 and 46 and to join Claim 40 in the allowed claims.

The Examiner issued an Election/Restriction action on 11/06/2007 which required Applicants to elect one of the four species for prosecution on the merits. The Examiner stated that none of the claims were generic. Applicants replied on 12/31/2007 electing the Examiner's Species I, Claims 1-24, 26-27 and 31-44 with traverse on the grounds that independent claims did not recite the features on which the Election/Restriction requirement was made; and, therefore could act as generic claims.

The Examiner has now allowed, inter alia, independent claim 39 on which Claims 45,46 are indirectly dependent. The Examiner maintains her position that the independent claim is not a generic claim, and has now made the Restriction/Election requirement final. Attempts to reach the Examiner's SPE resulted in a voice mail message which was not returned. 37 C.F.R. 1.142 specifically states that if two or more independent claims are claimed in a single application, the Examiner will require Applicant to elect an invention to which the claims will be restricted. Accordingly, all claims which are dependent on the same independent claim should not be withdrawn from consideration once the single independent claim has been found allowable.

Applicants hereby request that the Director invoke his supervisory authority to rejoin withdrawn Claims 45, 46. In addition, rejected dependent Claim 40 has now been made dependent on allowed independent Claim 39 and therefore should be allowed as well.

Please charge the petition fee to Deposit Account No. 20-0668 of Texas Instruments.

Respectfully submitted,
/William B. Kempler/
William B. Kempler
Attorney for Applicant
Reg. No. 28,228

Texas Instruments Incorporated
P.O. Box 655474, MS 3999
Dallas, TX 75265
(972)917-5452